

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

**CRIMINAL COMPLAINT**

Case Number:

V.

JESUS JUAN NAVA-MORALES

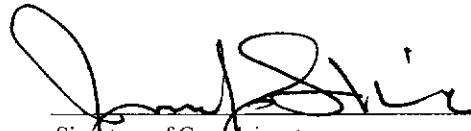
11-MJ-552 TNL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 12, 2011, in Ramsey County, in the State and District of Minnesota, defendant(s) an alien who had previously been removed from the United States on or about August 26, 2011, subsequent to a conviction for an aggravated felony, namely: Domestic Assault - Felony, in the State of Minnesota, on or about November 16, 2009, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to re-apply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:  
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant  
Jennifer Skwira  
U.S. ICE

Sworn to before me, and subscribed in my presence,

December 27, 2011

at

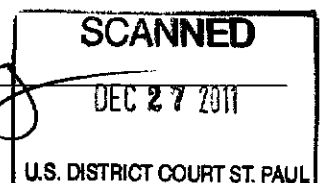
St. Paul, MN

Date

City and State

The Honorable Tony N. Leung  
UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer

  
Signature of Judicial Officer

**STATE OF MINNESOTA )**  
**) ss.**  
**COUNTY OF RAMSEY )**

**AFFIDAVIT OF Jennifer Skwira**

Jennifer Skwira, being duly sworn, deposes and states as follows:

1. I am a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since September 2, 2007. I have been in various positions within legacy Immigration and Naturalization Service (INS) and the United States Citizenship and Immigration Services (USCIS) for the last 13 years.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, in December 2011, in Ramsey County, in the State and District of Minnesota, Jesus Juan NAVA-Morales A/K/A Jose MORALES-Mosqueda (defendant) unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that Defendant's removal was subsequent to a

conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. In December of 2011, Defendant was encountered in Ramsey County, Minnesota and was arrested for an outstanding warrant for Disorderly Conduct. Immigration Customs and Enforcement (ICE) spoke with defendant on December 12, 2011, and determined that defendant was an illegal alien present in the United States without proper immigration documents which would allow defendant to be in, pass through or remain in the United States legally and an ICE detainer was placed on defendant.
6. On December 13, 2011, defendant was released to ICE custody and transported to the Bloomington, Minnesota ICE office for processing. On December 13, 2011, the defendant was advised of his Miranda Rights. The defendant voluntarily gave a sworn statement to Immigration Enforcement Agent (IEA) Jacob Onewokae. At the ICE facility, defendant's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigations Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively matched and linked defendant's fingerprints to alien registration number A78 188 434, Federal Bureau of Investigations number 175838XB5 and DHS Fingerprint Identification number (FIN) 6462994, revealing defendant's previous removals and criminal history.
7. Based on IAFIS and IDENT identification of defendant's prior history, I reviewed

defendant's unique alien registration file A78 188 434. The defendant's alien registration file contains photographs, fingerprints and immigration documents identifying defendant as a citizen and national of Mexico, who has been ordered removed and physically removed from the United States to Mexico on nine (9) prior occasions prior to being found in the District of Minnesota in 2011. On December 12, 2007, defendant was removed from the U.S. to Mexico via the Laredo, TX port of entry. On January 7, 2009, defendant was removed to Mexico via the El Paso, TX port of entry. On April 22, 2009, defendant was removed to Mexico via the Laredo, TX port of entry. On July 7, 2009, defendant was removed to Mexico via the San Ysidro, CA port of entry. On June 2, 2010, defendant was removed to Mexico via the Laredo, TX port of entry. On September 29, 2010, defendant was removed to Mexico via the Laredo, TX port of entry. On January 13, 2011, defendant was removed to Mexico via the Del Rio, TX port of entry. On January 28 2011, defendant was removed to Mexico via the Del Rio, TX port of entry. On August 26, 2011, defendant was removed to Mexico via the San Ysidro, CA port of entry.

8. On January 31, 2005, defendant was convicted in Ramsey County District Court, MN of Domestic Assault, and sentenced to 90 days in jail and 1 year probation. On July 27, 2005, defendant was convicted in Ramsey County District Court, MN of Driving While Impaired and sentenced to 1 year in jail and 2 years' probation. On November 1, 2005, defendant was convicted in Ramsey County District Court, MN of Driving While Impaired and sentenced to 365 days in jail and 2 years' probation. On August 8, 2006, defendant was convicted in Ramsey County District Court, MN of Driving

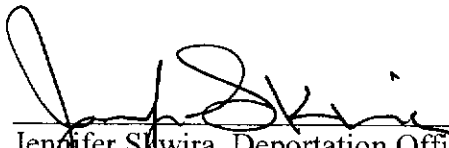
While Impaired and sentenced to 365 days in jail and 3 years' probation. On December 26, 2008, Subject was convicted in Ramsey County District Court, MN of Domestic Assault and sentenced to 116 days and 5 years' probation. On November 16, 2009, Subject's sentenced was amended to a felony and he was sentenced to 15 months Committed to Commissioner of Corrections. On December 26, 2008, Subject was convicted in Ramsey County District Court, MN of Domestic Abuse—Violates No Contact Order and was sentenced to 365 days and 2 years' probation. On November 25, 2009, Subject was convicted in Ramsey County District Court, MN of Domestic Abuse—Violates No Contact Order within 10 years and was sentenced to 365 days. On March 7, 2011, Subject was convicted in the U.S. District Court in Tucson, AZ for Illegal Entry in violation of 8 USC 1325 and was sentenced to 180 days. On December 12, 2011, Subject was convicted in the Ramsey County District Court of Disorderly Conduct and ordered to pay a \$100 fine. The above listed convictions of the defendant have been classified by the FBI Criminal Justice Information System as FBI# 175838XB5. Upon the arrest of the defendant by ICE, he was searched and enrolled into the Automated Integrated Fingerprint Identification System (IAFIS). Results of the IAFIS search and enrollment revealed the identical FBI# 175838XB5 related to the defendant's criminal history and the defendant's administrative immigration File #A78 188 434 thereby establishing a match of identity utilizing fingerprint records.

9. The defendant is subject to removal as an alien that re-entered the U.S. without permission by the Attorney General or Secretary of Homeland Security as defined in

INA Section 241(a)(5) codified under 8 USC1231(a)(5). The defendant is currently detained in ICE custody as mandatory detention per INA Section 241(a)(2) codified under 8 USC 1231(a)(2) due to his illegal re-entry to the United States.

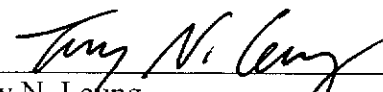
10. Defendant is a citizen and national of Mexico with no claim to United States Citizenship or Lawful Permanent Resident status, nor does he have documents to enter, pass through, or remain in the United States. Defendant claims entry illegally to the United States on September 1, 2011 at or near San Ysidro, California.
11. My investigation confirms that since his removal from the United States on August 26, 2011, defendant has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.
12. Based on these facts, defendant is in violation of 8 U.S.C. Section 1326(a) & (b)(2), Re-entry after removal, in that defendant was ordered removed, subsequently removed, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security following the conviction of an aggravated felony.

13. Further Your Affiant Sayeth Not.

  
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Jennifer Skwira, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 27<sup>th</sup> day of December, 2011.

  
\_\_\_\_\_  
Tony N. Leung  
United States Magistrate Judge